

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

---

ESTATE OF DANTE WILSON,  
by its Special Administrator,  
Judy Wilson,

Plaintiff,

v.

**COMPLAINT**  
Civil Action No. 17-CV-737  
[Trial By Jury Demanded]

ADVANCED CORRECTIONAL HEALTHCARE, INC.,  
a foreign business corporation, and

KIM A. BEEDE, individually,

Defendants.

---

I. INTRODUCTION

1. This is a civil rights and negligence action for damages brought by the Estate of Dante Wilson. Dante Wilson died as a result of the defendants' deliberate indifference to and reckless neglect of a known serious medical need.

II. JURISDICTION

2. This action arises under 42 U.S.C. § 1983. Jurisdiction is conferred by 28 U.S.C. §§ 1331 and 1343(a)(3) and (4). This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

III. PARTIES

3. The Estate of Dante Wilson (hereinafter "Estate") is represented by its Special Administrator, Judy Wilson, who was appointed by Rock County Circuit Court.

4. Defendant Advanced Correctional Healthcare, Inc. (hereinafter “ACH”) is a foreign business corporation with its principal office located at 3922 W. Baring Trace, Peoria, IL 61615-2500. Advanced Correctional Healthcare, Inc.’s registered agent for service of process in the State of Wisconsin is CT Corporation Systems, 301 S. Bedford St., Suite 1, Madison, Wisconsin 53703. At all times relevant hereto, a contract was in effect between Rock County and ACH, under which ACH was required to provide medical screening, care, and treatment to inmates at the Rock County Jail. ACH’s contract for provision of comprehensive medical services at Rock County Jail required ACH and its employees and agents, including LPN Beede and others, to fulfill all constitutionally and statutorily required medical duties of the Rock County Sheriff for inmates in custody. ACH’s acts and omissions at Rock County Jail, including the acts and omissions of its employees and agents, including, but not limited to LPN Beede, at all relevant times, were conducted under color of state law.

5. Defendant Kim A. Beede (hereinafter “LPN Beede”) was a licensed practical nurse employed by ACH at the Rock County Jail at all times relevant hereto. She is sued in her individual capacity. LPN Beede acted under color of state law and within the scope of her employment with ACH at all relevant times hereto.

#### IV. STATEMENT OF FACTS

6. On August 12, 2015, Dante Wilson, a 39-year-old male citizen of Wisconsin, was taken into custody by the Rock County Jail and was under the care, custody, and control of Rock County and its medical contractors, including but not limited to ACH and LPN Beede.

7. On August 12, a jail nurse completed Mr. Wilson’s pre-admission medical history form, which indicated that Mr. Wilson had chest pain and high blood pressure, for which he was taking Lisinopril.

8. On or about August 14, 2015, the jail doctor ordered that Mr. Wilson's blood pressure be taken and that he be given Lisinopril on a daily basis.

9. Around 11:42 p.m on August 17, 2015, Mr. Wilson notified a correctional officer that he was suffering from chest pains.

10. Consistent with official Jail policy requiring correctional officers who suspect a medical emergency to call a jail nurse, a correctional officer notified LPN Beede of Mr. Wilson's complaints, and LPN Beede instructed that Mr. Wilson be brought to the jail medical unit.

11. Mr. Wilson then exited his cell with his shirt off and a wet towel on his head. Correctional officers observed that Mr. Wilson was out of breath when he put his shirt on.

12. While being escorted to the medical unit, Mr. Wilson clutched his chest and had to stop and lean against the wall to catch his breath. At least one of the correctional officers thought he might fall. It was apparent that Mr. Wilson was short of breath.

13. Mr. Wilson arrived at the jail medical unit clutching his chest with both hands at approximately 11:52 p.m. on August 17, 2015, in full view of the correctional officer on duty, CO Schuler. Mr. Wilson then sat down on chairs directly across from the officer's desk.

14. While waiting for medical attention, Mr. Wilson covered his head and face with the wet towel, clutched his chest, and attempted to lie across two chairs.

15. LPN Beede was the only ACH employee scheduled to be on duty at the Rock County Jail on third shift on August 17-18, 2015.

16. LPN Beede entered into the medical unit from the nurse's office at approximately 11:53 p.m., at which time Mr. Wilson was clutching his chest. Mr. Wilson clutched his chest as he and LPN Beede entered into the nurse's office.

17. While in the nurse's office, Mr. Wilson's vital signs revealed an abnormally elevated pulse and blood pressure. According to LPN Beede, Mr. Wilson repeatedly stated that he was having chest pain.

18. Mr. Wilson never reported heart burn, acid reflux, or having gas to LPN Beede, and she did not observe that he was belching or passing gas. Nevertheless, LPN Beede informed Mr. Wilson that she would give him two Tums. Mr. Wilson became upset when hearing this and complained that she was not doing anything to help him.

19. Mr. Wilson was clutching his chest under his shirt as he and LPN Beede exited the nurse's office at approximately 11:59 pm., and he doubled over in pain in the hallway. CO Schuler observed that LPN Beede appeared to be angry with Mr. Wilson.

20. LPN Beede knew that chest pain was a sign of a possible emergency cardiac event.

21. LPN Beede knew that people suffering from a heart attack often clutch their chest or bend over in pain.

22. LPN Beede knew that Mr. Wilson's elevated pulse and elevated blood pressure readings were symptoms that required immediate medical attention.

23. Instead of calling 911, sending Mr. Wilson to a hospital emergency room, or reporting his obvious symptoms of a cardiac event to a qualified medical provider such as an on-call physician, LPN Beede gave Mr. Wilson two Tums, without any water, and instructed CO Schuler to place Mr. Wilson into a medical unit cell.

24. LPN Beede then filled out a Medical Administration Record and untruthfully indicated that the on-call physician had authorized the administration of Tums. According to LPN Beede, all nurses at the Rock County Jail, including her supervisor, would falsely record

that the on-call physician had ordered over-the-counter medications when in fact the physician had not.

25. Mr. Wilson told CO Schuler that his chest hurt as they slowly walked to the medical unit cell. During the short walk, Mr. Wilson clutched his chest and leaned against the wall at one point.

26. Mr. Wilson clutched his chest as he entered the medical unit cell at approximately 12:00 midnight. Within seconds of entering the cell, he leaned against the cell wall clutching his chest in obvious pain.

27. At 12:02 a.m. on August 18, Mr. Wilson went to his hands and knees to breathe air from a vent located near the floor in an attempt to help with his shortness of breath. While in that position, CO Schuler entered the cell and placed a mattress on the floor, which Mr. Wilson positioned near the vent. Over the next several minutes, he was in obvious discomfort as he often changed positions and clutched his chest.

28. The inside of the medical unit cell was filmed by a video camera that was displayed on one or more monitors at the guard's desk. At approximately 12:07 a.m., LPN Beede looked at the monitor and observed Mr. Wilson on his hands and knees with his face in front of the vent near the floor. Upon seeing this, LPN Beede walked to Mr. Wilson's cell door, and according to LPN Beede, told him that he needed to get up and relax.

29. Over approximately the next seven minutes, Mr. Wilson remained in obvious pain with his head near the vent while sometimes clutching his chest.

30. At approximately 12:14 a.m., LPN Beede looked at the monitor and saw Mr. Wilson standing on his feet, but bending over and clutching his chest. Mr. Wilson then slowly walked to the cell door and leaned against the window while grabbing his chest. He then

staggered to the sink and sat on the toilet for less than one minute before he staggered to the wall while rubbing his chest. All of this was observed by LPN Beede on the video monitor. LPN Beede did nothing in response to her observations.

31. At approximately 12:17 a.m., Mr. Wilson pushed the emergency medical intercom and reported that he was still having chest pain. When LPN Beede looked at the monitor, Mr. Wilson was leaning over the toilet, clutching his chest, while possibly appearing to vomit. According to CO Schuler, LPN Beede said something to the effect of "He's got to wait." LPN Beede never went to the cell to provide any medical attention to Mr. Wilson for his ongoing chest pain and apparent vomiting or nausea.

32. At approximately 12:24 a.m., LPN Beede looked at the monitor and saw Mr. Wilson standing in the middle of the cell with his hands on his head. LPN Beede then observed Mr. Wilson clutch his chest with both hands. LPN Beede walked away from the monitor after he began rubbing his chest with his left hand.

33. At approximately 12:35 a.m., LPN Beede returned to the monitor and saw Mr. Wilson moving his arm while lying in bed. He then sat up in bed and placed his hands on his head. LPN Beede looked at the monitor for less than one minute before walking away.

34. At approximately 12:42 a.m., while lying on the bed, Mr. Wilson's limbs and body began to shake, one of his shoes fell off, and his left leg fell to the floor.

35. CO Schuler, who had been reading a book at the guard's desk, went to Mr. Wilson's cell and found him to be unresponsive.

36. CO Schuler called for assistance, and LPN Beede and other correctional officers arrived at Mr. Wilson's medical unit cell. Another correctional officer called 911 to request an ambulance.

37. Jail correctional staff attempted to resuscitate Mr. Wilson while waiting for the Janesville Fire Department to arrive. Jail correctional staff and LPN Beede did not know how to correctly operate a jail defibrillator, and no shock was administered until the Janesville Fire Department arrived and hooked up their own defibrillator machine. Jail correctional staff described LPN Beede as a mere bystander who showed little initiative during the resuscitation efforts.

38. The attempts to save Mr. Wilson's life were unsuccessful and he was pronounced dead at approximately 1:35 a.m. on August 18, 2015.

39. LPN Beede called the on-call physician only after the Janesville Fire Department arrived. LPN Beede later stated that she did not want to wake up the on-call physician. However, on the day of this incident, LPN Beede untruthfully informed Sergeant Beutin that she had contacted the on-call physician before she gave Mr. Wilson the two Tums.

40. LPN Beede has stated that the entire nursing staff at Rock County Jail had a practice of falsifying inmate medication records by untruthfully documenting that a physician had pre-approved over-the-counter medication when in fact the physician had not been consulted.

41. LPN Beede has stated that she was trained to violate jail policy by issuing over-the-counter medication to inmates without prior physician approval.

42. The acts and omissions by ACH and its employees, including but not limited to LPN Beede, were a direct cause of Mr. Wilson's unnecessary severe pain, suffering, and death.

43. Mr. Wilson suffered an obvious medical emergency on August 17-18, 2015, yet he received no medical care, other than two Tums, for all of his known complaints and symptoms until becoming unresponsive and near death.

44. Had ACH and LPN Beede secured proper and necessary medical care for Mr. Wilson, he would not have endured such significant pain and suffering and he would not have died.

## V. STATEMENT OF CLAIMS

### Constitutional Claims

45. Rock County took Dante Wilson into legal and physical custody, thereby establishing a special custodial and supervisory relationship toward him, which was a relationship and duty also owed by ACH and its employees, agents, and contractors. This special custodial and supervisory relationship also gave rise to affirmative contractual legal duties by ACH and its employees, agents, and contractors, including but not limited to LPN Beede, to secure Mr. Wilson's liberty interests and rights, including his physical safety, essential care and treatment, his right to be free from unnecessary pain and suffering, and his life—substantive rights which are also protected by the Eighth and Fourteenth Amendments to the U.S. Constitution. The defendants' conduct, as detailed above, caused Mr. Wilson to suffer unnecessary pain, suffering, injury, and death in violation of his Eighth and Fourteenth Amendment rights.

46. ACH authorized, tolerated, ratified, permitted, and/or acquiesced in policies, practices, and customs, oral and written, pronounced, and de facto, including but not limited to:

- a) Rock County Jail inmate medical decisions made irrespective of appropriate medical judgment and which also exhibit deliberate indifference to the safety and suffering of inmates with serious medical conditions;

- b) the deliberate failure to implement and/or enforce policies, practices, and customs with respect to the training and supervision of medical staff at Rock County Jail regarding medical screening, triage, medication management, evaluation, and emergency treatment of inmates;
- c) knowingly providing deficient training for its employees, agents, and contractors responsible for the medical evaluation, documentation, care, and treatment of inmates;
- d) allowing licensed practical nurses to assess and treat patients outside the scope of their Wisconsin licensure; and
- e) understaffing the jail medical unit and allowing decisions on when to contact on-call physicians based on the hour of the day.

These policies, practices, and customs were the moving force which caused the deprivation of plaintiff's constitutional rights detailed above.

#### State Law Claims

47. The respective conduct of ACH and LPN Beede violated their respective duties of care toward the plaintiff and was a substantial factor in and caused Mr. Wilson's pain and suffering and death.

48. LPN Beede negligently ignored Mr. Wilson's complaints and her own observations and knowledge of his serious medical conditions.

49. ACH failed to adequately train and supervise its employees, agents, and Rock County employees assigned to work in the Rock County Jail, which caused Mr. Wilson's pain, suffering and death.

50. ACH negligently understaffed the medical unit at the Rock County Jail and allowed LPNs to act outside of their license and make medical decisions without contacting an on-call physician.

51. ACH and LPN Beede were negligent in the assessment, medication management, treatment, and rendering of medical care to Mr. Wilson, which caused pain, suffering, and death.

52. The negligence of ACH and LPN Beede caused Mr. Wilson pain, suffering, injury, and death.

53. ACH is liable for all negligent acts and omissions of its employees, agents, and contractors.

#### PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully demands a jury trial and prays that this Court:

1. Enter judgment for plaintiff and against each defendant, jointly and severally, awarding compensatory and punitive damages against each defendant.
2. Award pre-judgment and post-judgment interest, together with costs, disbursements, and reasonable attorney's fees pursuant to 42 U.S.C. § 1988.
3. Award such other relief as may be just and equitable.

Dated at Milwaukee, Wisconsin, this 25th day of September, 2017.

FIRST, ALBRECHT & BLONDIS, s.c.  
Attorneys for Plaintiff

s/James P. End

James P. End  
State Bar. No. 1032307  
jend@fabattorneys.com

Thomas C. Lenz  
State Bar No. 1055135  
tlenz@fabattorneys.com

Broadway Theatre Center  
158 North Broadway, Suite 600  
Milwaukee, WI 53202  
Telephone: (414) 271-1972  
Facsimile: (414) 271-1511